



The Children and Families Act 2014

The essential legal duties

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The Children and Families Act 2014

*Part 3: Children and Young People In
England with Special Educational Needs
and Disabilities*

64 sections, 43 pages

Replaces Part IV of the Education Act
1996



Definitions

Definition of SEN is no different to the current definition

Disabled children and young people are those who are disabled under the Equality Act 2010



Principles - section 19

Children, young people and parents at the centre of decision making

Supporting children, young people and parents to participate

A focus on achieving the best possible outcomes



Working across agencies and institutions



Joint working across agencies

Education, training and social care provision to be kept under review (s27)

Promoting integration and joint commissioning arrangements (s25, s26)

Cooperation across services and institutions (s28)



Local offer – section 30

Information on education, health and care a local authority expects to be available

Children, young people and parents/carers must be involved

Review and revise commissioning in light of comments received on the local offer



Information and advice - section 32

Duty on local authorities to provide information, advice and support

Should be jointly commissioned and cover education, health and social care

Services extended to disabled children and young people and those with SEN



Education Health and Care plans



EHC plans - key features

To be drawn up within 20 weeks

Person centred with a focus on outcomes

Include education, health and social care

Extend beyond school, potentially up to 25

Personal budgets included



EHC assessments - section 36

Legal threshold for EHC assessments is broadly the same as for a statement

An EHC assessment is an assessment of education, health care and social care needs

Person-centred and outcome focussed



Content of EHC plans

Duty to secure the education and health provision specified in an EHC plan (s42)

Stronger duties in relation to social care (s37)

Must include particular sections (see draft Code) but no national template



Naming an education institution

Very similar process to a statement

An institution named in a plan must admit that child or young person

Right extended to include colleges



Personal budgets – section 49

An amount identified as available to secure particular provision in the plan

A view to involving parents or young people

Can be taken as a direct payment in certain circumstances



Ceasing an EHC plan – section 45

EHC plans do not end when a young person leaves school

EHC plans can be maintained for a young people aged 19-25

Have regard to whether the educational and training outcomes are achieved



Other developments in the Children and Families Act



Children and young people in custody

Part 3, sections 70-75

Commencement April 2015

Pupils with medical needs in school

Part 5, section 100, statutory guidance

Commencement September 2014



Next steps



From September 2014

All new assessments will be EHC assessments and initial local offer should be published

Transfer of statements and LDAs to EHC plans begins

New Code of Practice comes into force and move to 'SEN Support'

